

Message Text

CONFIDENTIAL

PAGE 01 USUN N 03570 01 OF 02 122035Z
ACTION DLOS-09

INFO OCT-01 ISO-00 AF-10 ARA-11 EA-10 EUR-12 NEA-10
ACDA-12 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00
CIAE-00 COME-00 DODE-00 DOTE-00 EB-08 EPA-01
SOE-02 DOE-15 FMC-01 TRSE-00 H-01 INR-10 INT-05
IO-13 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OES-09
OMB-01 PA-01 PM-05 SP-02 SS-15 ICA-11 /191 W
-----094060 122124Z /21

R 122030Z SEP 78
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 3343

C O N F I D E N T I A L SECTION 01 OF 02 USUN NEW YORK 03570

E.O. 11652 GDS
TAGS: PLOS
SUBJECT: LOS CONFERENCE DAILY SUMMARY -- SEPTEMBER 8

SUMMARY: THE USDEL MET WITH INDUSTRY REPS ON NG-1
QUESTIONS WHILE NG-3 REMAINED ON THE COUNCIL ORGANS. THE
USSR RESERVED ON ECONOMIC ZONE DISPUTE SETTLEMENT IN NG-5.
THE CONTINENTAL SHELF GROUP (NG-6) CONTINUED DISCUSSING
THE IRISH FORMULA, NG-7 REHASHED DELIMITATION POSITIONS.
END SUMMARY

1. NG-2 ON FINANCIAL ARRANGEMENTS DID NOT MEET
ON SEPTEMBER 8. THERE WAS A MEETING, HOWEVER, BETWEEN
INDUSTRY REPRESENTATIVES AND MEMBERS OF THE US DELEGATION
IN ORDER TO WORK OUT TECHNICAL AMENDMENTS TO THE KOH TEXT.
THOSE AMENDMENTS WILL BE SENT AIRGRAM.

2. NG-3 CONTINUED DISCUSSION OF SUBSIDIARY ORGANS OF THE
COUNCIL FOCUSING ON CHAIRMAN ENGO'S DRAFT. ALTHOUGH A FEW
INTERVENTIONS REFERRED TO THE POLITICAL NATURE OF THE
COMMISSIONS, THERE WAS GENERAL ACCEPTANCE THAT COMMISSION-
ERS SHOULD BE EXPERTS ACTING IN A PURELY ADVISORY CAPA-
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USUN N 03570 01 OF 02 122035Z

CITY. A MAJOR POINT OF CONTENTION IS WHETHER THERE
SHOULD BE TWO OR THREE COMMISSIONS, AND SPECIFICALLY WHICH
ONE SHOULD BE ENTRUSTED WITH THE ORIGINAL FORMULATION OF
RULES AND REGULATIONS ON FINANCIAL MATTERS. THE TREND OF
THE DISCUSSION SEEMS TO FAVOR A THIRD COMMISSION ON FINAN-
CIAL MATTERS WHICH ENGO IS RESISTING, POSSIBLY IN FAVOR OF
GIVING THE COUNCIL DISCRETION TO DECIDE IN THE FUTURE

WHERE TO ASSIGN RESPONSIBILITY FOR DRAWING UP FINANCIAL RULES AND REGULATIONS. THE US EXPRESSED A PREFERENCE FOR THE ALTERNATIVE TO PLACE FINANCIAL RESPONSIBILITIES IN THE ECONOMIC PLANNING COMMISSION. THE US ALSO STRESSED THE NEED TO CLEARLY STATE THE IMPORTANT ENVIRONMENTAL RESPONSIBILITIES OF THE TECHNICAL COMMISSION.

3. NG-5 MET FOR THE SOLE PURPOSE OF ALLOWING THE SOVIET UNION TO RECORD, OFF THE RECORD, ITS RESERVATION TO THE COMPROMISE ON THE SETTLEMENT OF ECONOMIC ZONE RESOURCE DISPUTES NEGOTIATED IN GENEVA. BUT JAPAN FOLLOWED WITH ITS OBJECTIONS, AND ASKED THAT THE WHOLE SUBJECT BE RE-OPENED. CHILE, MEXICO AND AUSTRALIA OBJECTED TO THE OBJECTIONS, AND THE UKRAINIAN SSR, IRAQ, AND BAHRAIN CAME IN ON THE SIDE OF THE USSR AND JAPAN. SOMALIA AND MADAGASCAR THEN JOINED ON THE OTHER SIDE. CHAIRMAN STAVROPOULOS (GREECE) BARELY MANAGED TO AVOID A FULL-SCALE REPEAT DEBATE RIGHT THERE. IN THE END, HE WAS ABLE TO CLOSE DOWN THE GROUP FOR THIS SESSION BY PROMISING TO OPEN THE FLOOR FOR NEW DISCUSSION AT THE NEXT SESSION. IT WAS NOT CLEAR WHETHER HE MEANT DISCUSSION OF NEW TOPICS SUCH AS SETTLEMENT OF SCIENTIFIC RESEARCH DISPUTES, OR NEW DISCUSSION OF THE TEXT WORKED OUT IN GENEVA.

4. NG-6 (CONTINENTAL SHELF) -- THE SEYCHELLES INFORMALLY
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 USUN N 03570 01 OF 02 122035Z

INTRODUCED A PROPOSAL WITH TWO ASPECTS: FIRST, IT SUPPORTED THE IRISH FORMULA; AND SECOND, IT MODIFIED ARTICLE 82, PARAGRAPH 2 OF THE ICNT TO READ AS FOLLOWS:
"2. THE PAYMENTS AND CONTRIBUTIONS SHALL BE MADE ANNUALLY WITH RESPECT TO ALL PRODUCTION AT A SITE AFTER THE FIRST FIVE YEARS OF PRODUCTION AT THAT SITE. FOR THE SIXTH YEAR, THE RATE OF PAYMENT OR CONTRIBUTION SHALL BE 10 PERCENT OF THE VALUE OR VOLUME OF PRODUCTION AT THE SITE. PRODUCTION DOES NOT INCLUDE RESOURCES USED IN CONNECTION WITH EXPLOITATION." THE SEYCHELLES STATED THAT THE IRISH FORMULA AND ARTICLE 82 ARE "INDISSOCIABLE AND THAT THEY MUST BE AGREED TO SIMULTANEOUSLY." IRAQ, WHILE STATING THAT THE SEYCHELLES PROPOSAL NEEDS FURTHER STUDY, SAID THAT IT DID NOT LOOK LIKE A COMPROMISE AND REITERATED ITS SUPPORT FOR 200 MILES.

THE US DELEGATE REITERATED SUPPORT FOR THE IRISH FORMULA AND INDICATED THAT ARTICLE 82 PARAGRAPH 2 OF THE ICNT PRESENTED A SOUND FRAMEWORK. HE NOTED THAT REVENUE SHARING COMMENCED AFTER FIVE YEARS OF PRODUCTION AND THE RATE OF CONTRIBUTION INCREASED IN ANNUAL ONE PERCENT INCREMENTS. THIS WAS FINANCIALLY SOUND WHILE PROVIDING

MEANINGFUL BENEFITS FOR LDCS. HE NOTED THAT PARAGRAPH 3 OF ARTICLE 82 IS UNCLEAR AND INEQUITABLE AND SUGGESTED THAT ALL COUNTRIES WHICH EXPLOIT RESOURCES ON THE SHELF BEYOND 200 MILES SHOULD MAKE CONTRIBUTIONS BUT ONLY LDCS SHOULD BE RECIPIENTS. MOREOVER, HE SUGGESTED THAT LDCS WHICH MADE PAYMENTS SHOULD BE GUARANTEED A SHARE OF THE OVERALL DISTRIBUTION IN ORDER TO REACH AN EQUITABLE RESULT. THUS, WHEREAS UNDER THE EXISTING PARAGRAPH 3 SOME LDCS WOULD CONTRIBUTE (WHILE SOME OTHERS WOULD NOT), THEY WOULD NOT BE ASSURED OF A REBATE OF ALL OF, SOME OF, OR INDEED MORE THAN THEIR CONTRIBUTION AS THEY WOULD UNDER THE US SUGGESTION.

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 USUN N 03570 02 OF 02 122036Z
ACTION DLOS-09

INFO OCT-01 ISO-00 AF-10 ARA-11 EA-10 EUR-12 NEA-10
ACDA-12 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00
CIAE-00 COME-00 DODE-00 DOTE-00 EB-08 EPA-01
SOE-02 DOE-15 FMC-01 TRSE-00 H-01 INR-10 INT-05
IO-13 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OES-09
OMB-01 PA-01 PM-05 SP-02 SS-15 ICA-11 /191 W
-----094090 122126Z /21

R 122030Z SEP 78
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 3344

C O N F I D E N T I A L SECTION 02 OF 02 USUN NEW YORK 03570

5. NORWAY SUPPORTED THE IRISH FORMULA AND WOULD CONSIDER REVENUE SHARING. THE SOVIET UNION AGAIN DEFENDED ITS PROPOSAL AND INDICATED THAT THE SEYCHELLES' SUGGESTION WAS NOT A COMPROMISE.

6. NG-7 LAUNCHED INTO A CONSIDERATION OF THE SUBSTANTIVE RULES OR CRITERIA FOR DELIMITATION, BUT NO NEW GROUND WAS BROKEN. THE 13 INTERVENTIONS SIMPLY REPEATED ONCE AGAIN POSITIONS WHICH HAVE BEEN CLEARLY ESTABLISHED FOR SEVERAL SESSIONS. SIX DELEGATIONS (MADAGASCAR, MOROCCO, CHINA, IRELAND, LIBYA AND TURKEY) SUPPORTED DELIMITATION ACCORDING TO EQUITABLE PRINCIPLES. SEVEN STATES (SWEDEN, DENMARK, UNITED KINGDOM, CHILE, INDONESIA, GREECE AND NORWAY) ARGUED THAT THE MEDIAN LINE AS ADJUSTED BY SPECIAL CIRCUMSTANCES IS THE ONLY POSSIBLE RULE.

7. THE "SECRET" GROUP OF COMPARATIVE LAW EXPERTS CONTINUED ITS STUDY OF SEABED DISPUTES. THE GROUP DECIDED THAT IT WOULD NOT BE USEFUL TO EXPAND ITS MEMBERSHIP AT THIS SESSION. SUBSTANTIVE DISCUSSIONS AT THE MEETING FOCUSED ON THE USE OF COMMERCIAL ARBITRATION AND ON THE STATUS OF THE ENTERPRISE. THERE WERE THE BEGINNINGS OF SUPPORT
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USUN N 03570 02 OF 02 122036Z

FOR THE USE OF COMMERCIAL ARBITRATION IN TRANSFER OF TECHNOLOGY AND CONTRACT CASES. THE GROUP DECIDED THAT THE SECRETARIAT SHOULD PREPARE A REVIEW OF THE VARIOUS AVAILABLE SYSTEMS OF COMMERCIAL ARBITRATION. CONSIDERATION OF THE ENTERPRISE'S RELATIONSHIP TO THE AUTHORITY LED TO THE CONCLUSION THAT THESE TIES SHOULD BE ANALOGOUS TO THE ONES BETWEEN A PUBLIC CORPORATION AND A STATE. THE GROUP EXPECTS TO FINISH THIS SESSION WITH THE PREPARATION OF A SURVEY OF PROBLEMS, BUT DOES NOT PLAN TO BEGIN DRAFTING TEXTS. YOUNG

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, MEETING REPORTS
Control Number: n/a
Copy: SINGLE
Draft Date: 12 sep 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978USUNN03570
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780371-0355
Format: TEL
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780974/aaaacjnk.tel
Line Count: 192
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: cee1df51-c288-dd11-92da-001cc4696bcc
Office: ACTION DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 03 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1460623
Secure: OPEN
Status: NATIVE
Subject: LOS CONFERENCE DAILY SUMMARY -- SEPTEMBER 8 SUMMARY: THE USDEL MET WITH INDUSTRY REPS ON NG-1 QUESTIONS WHILE NG-3 REMAINED ON THE COUNCIL ORGAN
TAGS: PLOS, XX, LOS
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/cee1df51-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014